

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

ADAM JONES and)
JOSHUA HASTINGS,)
)
Plaintiffs,)
)
v.) Civil Action No. 7:19-CV-00403-RDP
)
BUZZFEED, INC., BUZZFEED NEWS,)
BEN SMITH, and KATIE J.M. BAKER,)
)
Defendants.)
)

MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, defendants BuzzFeed, Inc., Ben Smith and Katie J.M. Baker (collectively, “Defendants”), hereby move for summary judgment. Summary judgment and dismissal of the defamation claims filed by plaintiffs Adam Jones and Joshua Hastings (“Plaintiffs”) is warranted because the undisputed facts establish that (i) the Defendants’ statements are privileged under Alabama’s statutory fair report privilege, Ala. Code § 13A-11-161, (ii) Plaintiffs cannot meet their burden of proving that any of the statements in suit are materially false, (iii) certain statements are expressions of opinion that enjoy absolute protection under the First Amendment to the U.S. Constitution and (iv) Plaintiffs cannot establish that any of the statements were published with actual malice, as they are required to do under *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 275 (1964) *et seq.*

In support of this motion, Defendants submit their Memorandum of Law in Support of their Motion for Summary Judgment (including a Statement of Undisputed Material Facts and Discussion of Relevant Legal Authorities), Appendix A thereto and Evidentiary Submissions in

Support of Motion for Summary Judgment (Docs.63-1 through 63-77, 64-1 through 64-5), all filed on the docket herewith.

Respectfully submitted,

/s/ John G. Thompson

One of the Attorneys for Defendants

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Katie J.M. Baker

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was electronically filed on this the 16th day of September, 2021, using the CM/ECF system which will send notification to the following. Should the Notice of Electronic Filing indicate that notice needs to be delivered by other means to any of the following, I certify that a copy will be sent via U.S. Mail, postage prepaid and properly addressed.

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